

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In the Patent Application of:

DAVID A. SCHEIDMANTEL ET AL.

Serial No.: 10/711,979

Filed: October 18, 2004

For: VEHICULAR TRIM COMPONENT AND COVER WITH SIMULATED STITCH AND/OR
SEAM THEREON

Group Art Unit: 1772

Examiner: Alexander S. Thomas

APPEAL BRIEF

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal Brief pursuant to 37 C.F.R. §41.37 in support of Applicants' appeal of the second Rejection of the Examiner, mailed October 23, 2006, of claims 1-19, 21-27, and 37. Each of the topics required by 37 C.F.R. §41.37 is presented herewith and is labeled appropriately.

I. REAL PARTY IN INTEREST

Leon Plastics, Inc., having offices in Grand Rapids, Michigan ("Leon Plastics" or "Assignee") is the real party in interest of the present application. An assignment of all rights in the present application to Leon Plastics was executed by the inventors and recorded in the U.S. Patent and Trademark Office at Reel 015274, Frame 0048.

II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences related to the present application of which Appellants, Appellants' legal representatives, or Assignee are aware.

III. STATUS OF CLAIMS

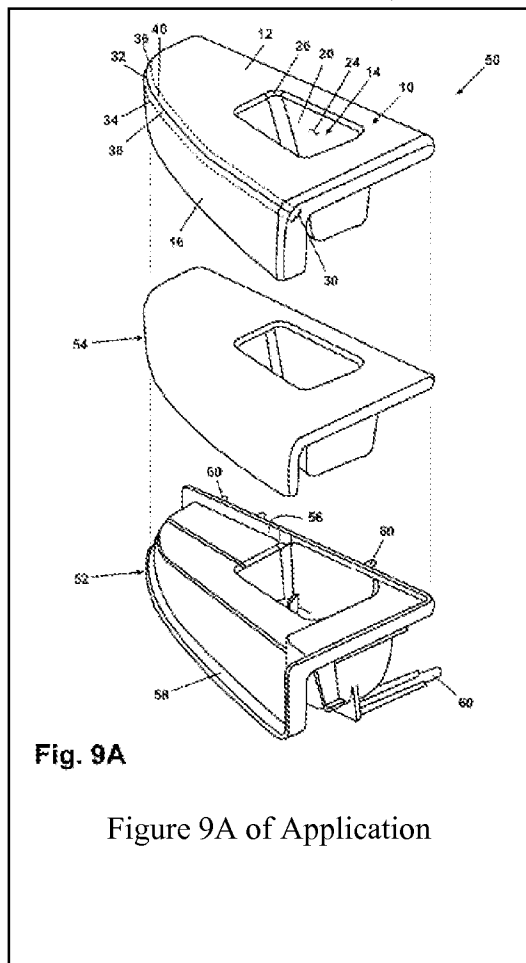
Claims 1-36 were in the application as filed. Claim 37 was added. Claims 20 and 28-36 were cancelled without prejudice. Claims 1-19, 21-27, and 37, which are presented in the Appendix, are pending in the application and have been twice rejected by the Examiner. Accordingly, Appellants hereby appeal the rejection of claims 1-19, 21-27, and 37.

IV. STATUS OF AMENDMENTS

No amendments were filed subsequent to the second rejection, and all amendments have been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

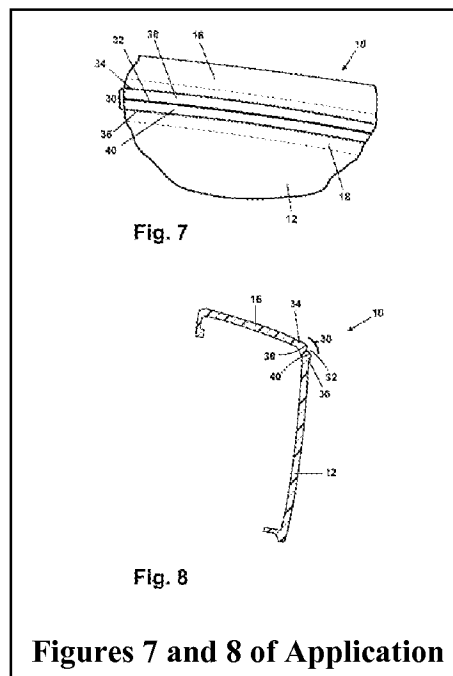
As called for in claim 1, the claimed invention comprises a vehicular trim component 50



comprising a base 52, and an uninterrupted cover 10 associated with the base 52. *Application, p. 12, para. [Para 43], ln. 1-9, Figure 9A.*¹ The uninterrupted cover 10 comprises an integrally-formed aesthetic feature 30 configured to simulate a seam comprising a pair of stitchings 34, 36. *Application, p.10, para. [Para 33], ln. 1-p. 12, para. [Para 36], ln. 7, Figures 7 and 8.*

The claimed invention also comprises a simulated seam 30 in a molded polymeric item

comprising an uninterrupted cover portion 10, as called for in claim 37. *Application, p. 12, para. [Para 43], ln. 1-9, Figure 9A.* The simulated seam 30 comprises a pair of



¹ 37 CFR §41.37(c)(1)(v) requires reference to the specification by page and line number. The Application was filed electronically using a version of the U.S. Patent Office software that did not accommodate line numbers. Thus, references are given by page number, paragraph number, and the line number of the referenced paragraph.

ridges 38, 40 formed in generally parallel fashion along an interior portion of the uninterrupted cover portion 10, and an indentation 32 formed between the ridges 38, 40 in the uninterrupted cover portion 10. The pair of ridges 38, 40 in cooperation with the indentation 32 therebetween simulates a butt seam. *Application, p.10, para. [Para 33], ln. 1-p. 12, para. [Para 36], ln. 7, Figures 7 and 8.*

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

In the Office Action of October 23, 2006, the Examiner rejected claims 1-19, 21-27, and 37, as follows:

- Claims 21-27 and 37 under 35 U.S.C. §112, ¶1, as allegedly failing to comply with the written description requirement. Appellants disagree with the Examiner's assertion that claims 21-27 and 37 contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention.
- Claims 21, 23, and 37 under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No 4,130,623 to Walter ("Walter '623"). Appellants disagree with the Examiner's assertion that Walter '623 anticipates claims 21, 23, and 37.
- Claims 1-3, 14, 21, 26, and 37 under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No 3,802,291 to Young et al. ("Young '291"). Appellants disagree with the Examiner's assertion that Young '291 anticipates claims 1-3, 14, 21, 26, and 37.
- Claims 1-19, 21-27, and 37 under 35 U.S.C. §103(a) as allegedly unpatentable over Applicants' allegedly acknowledged state of the art in view of U.S. Patent Application Publication No. U.S. 2003/0168151 of Wright et al. ("Wright '151"). Appellants disagree with the Examiner's assertion that the combination of Applicants' allegedly acknowledged state of the art and Wright '151 renders claims 1-19, 21-27, and 37 obvious to one skilled in the art.

VII. ARGUMENT

A. Claims 21-27 and 37 fully comply with the written description requirement of 35 U.S.C. §112, ¶1.

The Examiner asserts that claims 21-27 and 37 contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Examiner asserts that "The phrase 'a pair of ridges... along an interior portion' is new matter. There is no original disclosure directed to ridges on an interior surface of the cover."

In pertinent part, claim 37 calls for a simulated seam in a molded polymeric item comprising an uninterrupted cover portion. The simulated seam comprises a pair of ridges formed in generally parallel fashion along an interior portion of the uninterrupted cover portion, and an indentation formed between the ridges in the uninterrupted cover portion. Thus, claim 37 calls for an uninterrupted cover portion. The method of manufacturing the cover clearly indicates that the cover comprises an uninterrupted piece, which is formed from a liquid polymer introduced into a mold. *Application*, p. 13, [Para 40], ln. 5-10; *Figures 7 and 8*. A pair of generally parallel ridges is formed along an interior portion of the uninterrupted cover portion. *Id.*; p. 11, [Para 35], ln. 10-13; *Figures 7 and 8*. The interior portion is clearly illustrated in *Figures 7 and 8*, and comprises the region along the seam line bordered on either side by the rest of the cover portion. Thus, the simulated seam is formed along an interior portion of the uninterrupted cover portion.

The Examiner, however, bases the rejection on the absence of any disclosure directed to ridges on an interior "**surface**" of the cover. However, as explained above, claim 37 does not call for ridges "on an interior surface." Rather, claim 37 calls for ridges "along an interior portion." This is clearly illustrated in *Figure 8*, in which the ridges comprise structures 38 and 40, the seam 30 comprises structure 32, and the seam 30 is located in an uninterrupted interior

portion of the cover intermediate two portions 12, 16.

Drawings alone may provide a written description of an invention as required by § 112. *Vas-Cath Incorporated v. Mahurkar*, 935 F.2d 1555, 1565 (Fed. Cir., 1991). The drawings illustrate the ridges along an interior portion of the cover. Thus, on the basis of the drawings alone, the subject matter of claim 37 is sufficiently described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Nevertheless, the subject matter of claim 37 is also sufficiently described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Claims 21-27 depend from claim 37. The subject matter of claims 21-27 is, for the same reasons, sufficiently described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

The rejection of claims 21-27 and 37 under 35 U.S.C. §112, ¶1, should be overturned, and claims 21-27 and 37 should be allowed.

B. Claims 21, 23, and 37 are not anticipated under 35 U.S.C. §102(b) by U.S. Patent No 4,130,623 to Walter.

Walter '623 discloses a method and apparatus for embossing a thermoplastic or thermoformable material. The method and apparatus are described with respect to the embossing of a single stitch line 13 in the material 12. The method and apparatus form a linear, channel-like depression in the material having a raised stitch line 13 along the centerline of the depression. Walter '623 characterizes the prior art as also embossing a single stitch line 19 in the material 12.

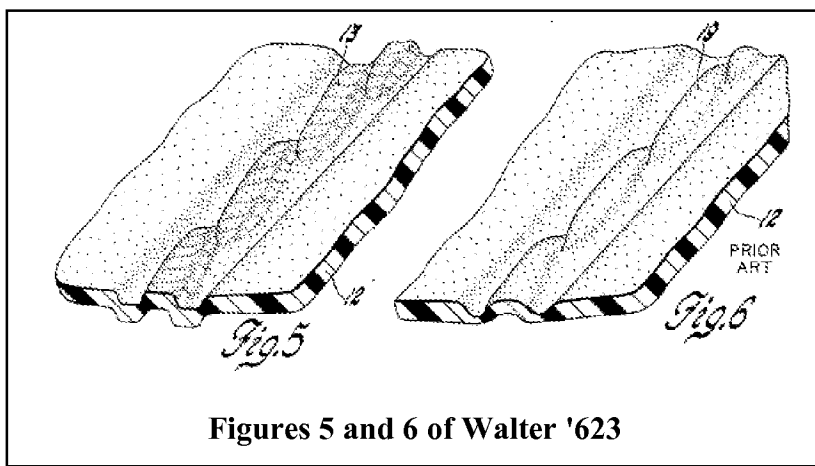
The claimed invention is not anticipated under §102 unless each and every element of the claimed invention is found in the prior art.

Hybritech, Inc. v. Monoclonal Antibodies, Inc., 231 USPQ 81, 90 (Fed. Cir. 1986). To anticipate, a single reference

must teach each and every limitation of the claimed invention. *Eolas Technologies Inc. v. Microsoft Corp.*, 399 F.3d 1325, 1335; 73 U.S.P.Q.2D (BNA) 1782 (Fed. Cir. 2005). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The rejection fails to satisfy these standards.

Claim 37 is patentable over Walter '623 because each and every element of claim 37 is not found in Walter '623. Claim 37 calls for a pair of ridges formed in generally parallel fashion along an interior portion of an uninterrupted cover portion of a molded polymeric item, and an indentation formed between the ridges. The ridges and indentation simulate a butt seam. Walter '623 does not disclose a pair of ridges as called for in claim 37. As illustrated in Figure 8 of the Application, the ridges, which extend between the center seam 32 and the side seams 34, 36, protrude above the adjoining material so as to provide a raised profile in order to more accurately simulate the "puckered" look of a French seam.. The embossment of Walter '623 does not include any such ridges. Furthermore, even assuming for the sake of argument that the structure between the indentation and adjoining material illustrated in Figure 5 of Walter '623 could be considered a "ridge," the structure disclosed in Walter '623 is not a seam, let alone a butt seam.

Nowhere in Walter '623 is a simulated butt seam disclosed. Indeed, Walter '623 discloses only a single embossed stitch line. At most, the stitch line disclosed in Walter '623



represents a stitch used to join two lapped pieces of fabric, i.e. one piece positioned on top of the other and joined with a stitch line extending through both pieces, but it cannot represent two pieces of fabric joined in a butt seam. Thus, Walter '623 does not anticipate claim 37.

The Examiner argues that, because Figure 5 of Walter '623 shows a pair of parallel ridges with an indentation formed between the ridges, the structure illustrated in Figure 5 meets the limitations of claim 37 because the ridges and indentation are the only claimed structural features of the simulated seam. However, claim 37 requires that the ridges in cooperation with the indentation simulate a butt seam. In other words, the particular configuration of the ridges and indentation in claim 37 must simulate a butt seam. This limitation is structural because it defines a specific structural relationship between the ridges and the indentation. The structure shown in Figure 5 of Walter '623 does not meet this limitation of claim 37 because it does not disclose a specific structural relationship between the ridges and the indentation that simulates a butt seam.

The Examiner also argues that claim 37 is not directed to a butt seam, but is directed to a structure that simulates a butt seam, and thus, implicitly, the fact that the structure shown in the Walter '623 is not a seam or butt seam is of no significance. However, as discussed above, claim 37 calls for a specific structural relationship between the ridges and the indentation that simulates a butt seam, and this specific structural relationship is not disclosed in Walter '623. If the Examiner's position were valid, any structure that comprises a pair of ridges and an indentation would potentially be anticipated by Walter '623 whether or not it related to a seam. Walter '623 cannot be extended so far.

Walter '623 does not anticipate claim 37, because Walter '623 does not disclose each and every element of claim 37 in as complete detail as is contained in claim 37. Thus, claim 37 is patentable over Walter '623.

Claims 21 and 23 depend from claim 37 and, for the same reasons, are not anticipated by Walter '623. Nevertheless, claim 23 is independently patentable over Walter '623 because Walter '623 does not disclose a series of indentations formed in generally parallel to the pair of

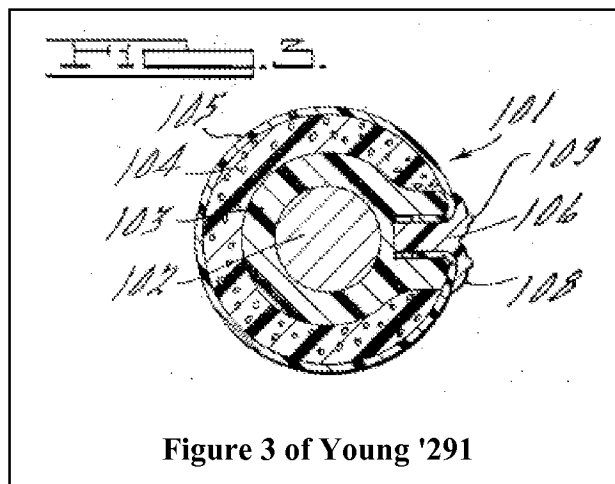
ridges whereby the series of indentations simulate a French seam in conjunction with the pair of ridges, as called for in claim 23. The indentations simulate a series of threaded side seams 34, 36, rather than actually stitching the side seams 34, 36 into the cover. *Application*, p. 14, [Para 41], ln. 3-6. This structure is not disclosed in Walter '623.

For the above reasons, claims 21, 23, and 37 are patentable over Walter '623. Applicants request that the rejection be overturned, and that claims 21, 23, and 37 be allowed.

C. Claims 1-3, 14, 21, 26, and 37 are not anticipated under 35 U.S.C. §102(b) by U.S. Patent No 3,802,291 to Young et al.

Young '291 discloses a steering wheel rim 101 having a rigid core 102/103 surrounded by a soft substrate layer 104 covered by a thin outer covering 105. A slot extends along an inner perimeter of the substrate layer 104 adapted to receive the opposed edges of the covering 105 to hold the covering in place around the steering wheel rim. A wedge 106 is inserted into the slot to hold the edges of the covering 105 in place in the slot. The wedge 106 can have an exposed face 107/108 with simulated stitching 109 formed thereon.

Claim 1 is patentable over Young '291 because each and every element of claim 1 is not found in Young '291. Claim 1 calls for a trim component comprising a base and an uninterrupted cover comprising an integrally-formed aesthetic feature configured to simulate a seam comprising a



pair of stitchings. By its express language, claim 1 requires that the seam be integrally formed in the cover. The cover 105 of Young '291 does not satisfy this limitation.

Stitching in Young '291 is simulated in the wedge 106, which does not comprise a cover. The wedge 106 is separate and distinct from the cover 105. Indeed, Young '291 refers only to

the structure 105 as the cover. If the inventor had considered the wedge 106 to be a cover, or part of the cover 105, presumably this would have been reflected in the terminology. However, no equating of the wedge 106 with the cover 105 is even attempted. Furthermore, a simple comparison of the proportion of the perimeter of the steering wheel rim engaged by the wedge reveals that the wedge engages about 12% of the perimeter. This can hardly be considered a cover for the rim.

The Examiner argues that "the wedge 106 by itself may be considered a "trim component" as well as an "uninterrupted cover" since it covers a portion of the steering wheel." This statement alone illustrates the Examiner's misguided attempt to find any element of claim 1 in Young '291, no matter how unreasonable the attempt may be. Claim 1 explicitly identifies a trim component as comprising, not only an uninterrupted cover, but also a base. Thus, the uninterrupted cover is a part of the trim component, but cannot comprise the trim component. Yet, the Examiner asserts that the wedge 106 can be a trim component as well as an uninterrupted cover, apparently in an attempt to bolster the Examiner's argument that every element of claim 1 is found in Young '291. This argument is logically inconsistent and should be rejected.

The term "cover" is clearly elucidated in the Application. It has a scope congruent with the scope of the term as used in Young '291. In each of the embodiments described in Young '291, the cover 105 is identified and treated separately from the wedge 106. It covers the steering wheel rim 101 in a manner which is virtually identical to the manner in which the cover in the Application is used. For the Examiner to assert that the wedge 106 anticipates the cover of claim 1 is unsupported by the Application, Young '291, logic, or reason. No matter what the Examiner tries to label it, the wedge 106 is not a cover, and the cover 105 in Young '291 does not have integrally formed stitching. Thus, Young '291 does not disclose each and every element of claim 1 in as complete detail as is contained in claim 1. Claim 1 is patentable over Young '291.

Claims 2, 3, and 14 depend from claim 1 and, for the same reasons, are not anticipated by Young '291. For the above reasons, claims 1-3 and 14 are patentable over Walter '623. Applicants request that the rejection be overturned, and that claims 1-3 and 14 be allowed.

Claim 37 is patentable over Young '291. As discussed above, Young '291 discloses a cover 105 which is held in place over a steering wheel 101 by a wedge 106. The wedge 106 may be embossed with simulated stitching. The wedge 106 does not form a part of the cover 105. The cover 105 does not comprise a simulated seam. Thus, Young '291 does not disclose an uninterrupted cover comprising an integrally-formed aesthetic feature configured to simulate a seam comprising a pair of stitchings.

Furthermore, claim 37 calls for the simulated seam to comprise a pair of ridges formed in generally parallel fashion along an interior portion of the uninterrupted cover portion. The simulated stitching formed in the wedge 106 comprises the entire outer surface of the wedge 106. It is not formed along an interior portion, and is not formed in an uninterrupted cover portion. Thus, Young '291 does not disclose a pair of ridges formed along an interior portion of an uninterrupted cover portion.

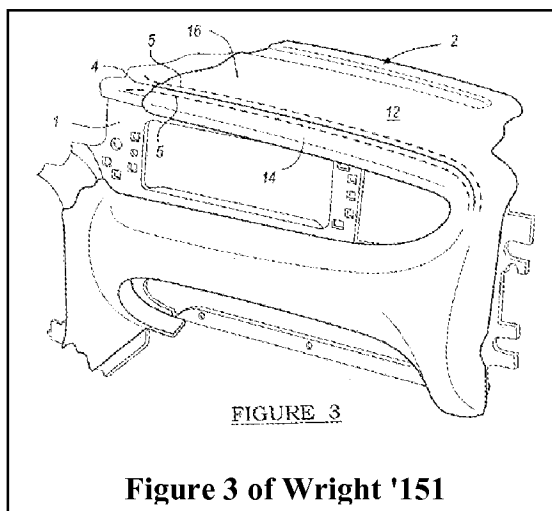
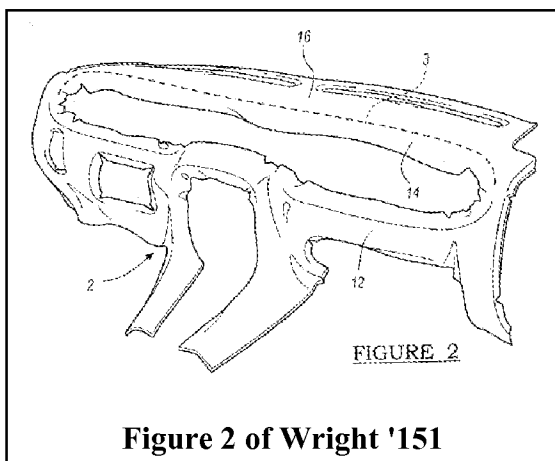
The Examiner asserts that "the term 'interior' is a relative term depending on how the piece is to be used and does not provide any structurally distinguishing feature to the claimed article." This statement is asserted without any factual support and is inadequate to support the rejection. As used in claim 27, "interior" is not a relative term and it does not depend on how the piece is to be used. It describes a specific structural portion of the cover, regardless of how the cover is used. The statement should be dismissed for what it is: a conclusory statement without any support whatsoever.

Claims 21 and 26 depend from claim 37 and, for the same reasons, are not anticipated by Young '291. For the above reasons, claims 21, 26, and 37 are patentable over Young '291. Applicants request that the rejection be overturned, and that claims 21, 26, and 37 be allowed.

D. 1-19, 21-27, and 37 are not unpatentable over Applicants' allegedly acknowledged state of the art in view of U.S. Patent Application Publication No. U.S. 2003/0168151 of Wright et al.

Wright '151 discloses a covering 2 for an instrument panel or other automotive component in which a portion of the covering 2 is cut along a line 3 followed by stitching of the separated portions 14, 16 together using a conventional French seam 4. The cut line 3 may or may not completely separate the two portions 14, 16 into separate pieces.

Initially, the Examiner fails to clearly identify in the final Office action the allegedly acknowledged state of the art attributable to Applicants which is combined with Wright '151. Thus, Applicants are unable to ascertain the scope and content of the rejection, and are, thus,



prejudiced in their ability to effectively and completely answer the rejection. On these grounds, the rejection should be overturned. Nevertheless, Applicants will respond to the rejection based in part upon the Examiner's arguments set forth in the first Office action.

In the Description of the Related Art, a molded polymeric trim component is disclosed comprising a simulated butt seam and parallel molded seams which are molded such that it is obvious that the seams are simulated. One of the indicators that the parallel molded seams are

simulated is the absence of thread, which would be present in an actual sewn seam. The Examiner asserts, in effect, that it would have been obvious to include the threaded seams of Wright '151 in the prior art molded trim component.

The Examiner relies on the abstract and paragraphs 24 and 27 of Wright '151 to support the assertion that Wright '151 provides the motivation for the combination. The Examiner relies on the statement in the abstract that "In order to further enhance the aesthetic look of the decorative panel cover, top stitching is applied to one side of the seam." The Examiner also relies on the statement in paragraph 24 that "in order to further enhance the aesthetic appearance of the decorative cover 2, top stitching 5 is applied to at least one side of the seam 4," and the statement in paragraph 27 that "The resulting instrument panel gives the appearance of being 'hand crafted' or custom made."

To establish a *prima facie* case of obviousness, basic criteria must be met. These criteria include: (1) there must be some suggestion or motivation to modify the reference or to combine reference teachings and (2) the prior art reference (or reference when combined) must teach or suggest all the claim limitations. As will be discussed below, these two criteria have not been met in the case of the asserted combination of Applicant's allegedly acknowledged state of the art with Wright '151, and the rejection should, thus, to be reversed.

(1) No reasonable suggestion or motivation to combine

The standards for a finding of obviousness must be strictly adhered to. Simply citing two prior art references and then concluding that it would be obvious to combine the references to create the applicant's invention is wholly inadequate.

A claimed invention is unpatentable if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art....The ultimate determination of whether an invention would have been

obvious under 35 U.S.C. §103(a) is a legal conclusion based on underlying findings of fact.²

A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field....Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher."

Most if not all inventions arise from a combination of old elements....Thus, every element of a claimed invention may often be found in the prior art....However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention....Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant....Even when obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference.

The motivation, suggestion or teaching may come explicitly from statements in the prior art, the knowledge of one of ordinary skill in the art, or, in some cases the nature of the problem to be solved....In addition, the teaching, motivation or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references....The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art....Whether the Patent Office Examiner relies on an express or an implicit showing, the Examiner must provide particular findings related thereto....Broad conclusory statements standing alone are not "evidence."

² The underlying factual inquiries include (1) the scope and content of the prior art; (2) the level of ordinary skill in the prior art; and (3) the differences between the claimed invention and the prior art. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 15 L. Ed. 2d 545, 86 S. Ct. 684 (1966).

In Re Werner Kotzab, 217 F.3d 1365; 55 U.S.P.Q.2d (BNA) 1313 (Fed. Cir. 2000)(citations omitted).

The Examiner has failed to identify any reasonable motivation, suggestion, or teaching of the desirability of combining prior art simulated seams with Wright '151 to arrive at Applicants' invention. While the Examiner has cherry-picked statements in Wright '151 allegedly providing the motivation to combine the references, no statement has been identified in Applicants' specification, there has been no discussion of the knowledge of one of ordinary skill in the art or the nature of the problem to be solved, there has been no identification of what the teachings of Applicants' specification and Wright '151, the knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to one of ordinary skill in the art as required for a showing of motivation. The Examiner has failed to provide any reasonable findings related to any motivation, suggestion, or teaching of the desirability of combining prior art simulated seams with Wright '151. Rather, the Examiner has relied upon a reference disclosing what, in effect, is stitching comprising part of a conventional French seam, which can only lead to the conclusion that the Examiner is simply relying on impermissible hindsight reconstruction of Applicants' invention.

There is, of course, no expression found in Applicants' Application of any motivation to add a sewn seam line to the prior art described therein. The prior art described in the Application is concerned with molded seam lines, which teaches away from a sewn seam line. Wright '151 is concerned with a seam line that is added to a molded trim component by sewing a seam line along a sewn butt seam cut into the molded trim component. Since the butt seam of Wright '151 is a sewn seam, the additional seam lines can be readily added. Furthermore, the additional seam lines are nothing more than the seam lines that would be found in any conventional French seam, which is essentially the seam disclosed in Wright '151. There is nothing in Wright '151 to motivate, suggest, or teach adding the sewn seam to a molded trim component having a seam line which is molded into the trim component and is not a cut line.

This can only lead to the conclusion that the Examiner is simply relying on impermissible hindsight reconstruction of Applicant's invention. Thus, the combination is improper. Therefore, claims 1-19, 21-27, and 37 are not obvious in view of the asserted combination as the combination fails. Applicants request that the rejection be overturned, and that claims 1-19, 21-27, and 37 be allowed.

(2) Prior art references do not teach or suggest all the claim limitations

Assuming, *arguendo*, that the references are combinable and the rejection meets the *prima facie* requirements, the combination would still not render the claims obvious.

A. Claims 1, 4, and 10

Claim 1, in part, calls for an uninterrupted cover comprising an integrally-formed aesthetic feature configured to simulate a seam comprising a pair of stitchings. Claims 4 and 10 further call for a pair of stitchings to be formed adjacent and generally parallel to the aesthetic feature so that the pair of stitchings simulate a French seam in conjunction with the aesthetic feature. The combination asserted by the Examiner would result in a molded trim component comprising a sewn cut line with molded seams and stitched seams. This is not the invention called for in claims 1, 4, and 10. Consequently, the asserted combination does not reach claims 1, 4, and 10, nor are claims 1, 4, and 10 obvious in view of the asserted combination.

Claims 1, 4, and 10 are patentable over the asserted combination. Applicants request that the rejection be overturned, and that claims 1, 4, and 10 be allowed.

Claims 2-19 depend directly or indirectly from claim 1 and are, therefore, not obvious and are patentable over the asserted combination for at least the same reasons that claim 1 is not obvious and is patentable over the asserted combination. Nevertheless, claims 2-19 are independently patentable over the asserted combination.

B. Claims 2 and 3

Claim 2 calls for the aesthetic feature to comprise a pair of ridges formed in generally parallel fashion defining an indentation between the ridges. The pair of ridges in cooperation with the indentation simulates a seam. Claim 3 depends from claim 2 and calls for the ridges to comprise a rounded exterior.

The asserted combination does not disclose the invention of claims 2 and 3. Nothing in Applicants' discussion of the prior art discloses an uninterrupted cover with an integrally-formed aesthetic feature comprising a pair of ridges formed in generally parallel fashion defining an indentation between the ridges so that the ridges and indentation simulate a seam. Similarly, nothing in Wright '151 discloses an uninterrupted cover with an integrally-formed aesthetic feature comprising a pair of ridges defining an indentation therebetween. The drawings in Wright '151 illustrate only a flat seam.

Since nothing in Applicants' discussion of the prior art, or in Wright '151, discloses ridges, nothing in Applicants' discussion of the prior art, or in Wright '151, discloses ridges that comprise a rounded exterior. Thus, the asserted combination does not disclose the invention of claims 2 and 3.

Claims 2 and 3 are patentable over the asserted combination. Applicants request that the rejection be overturned, and that claims 2 and 3 be allowed.

C. Claims 5 and 11

Claims 5 and 11 call for a series of indentations formed generally parallel to the aesthetic feature. The series of indentation simulate a French seam in conjunction with the aesthetic feature.

The asserted combination does not disclose the invention of claims 5 and 11. Nothing in Applicants' discussion of the prior art discloses a series of indentations formed generally parallel to the aesthetic feature which simulate a French seam in conjunction with the aesthetic feature.

Similarly, nothing in Wright '151 discloses this structure. Wright '151 discloses an actual sewn French seam, not a simulated French seam. There are no indentations formed parallel to the aesthetic feature which simulate a French seam in Wright '151.

Claims 5 and 11 are patentable over the asserted combination. Applicants request that the rejection be overturned, and that claims 5 and 11 be allowed.

D. Claim 6 and 12

Claims 6 and 12 call for the uninterrupted cover to include a first surface and a second surface disposed at a non-planar angle with respect to the first surface. An intersection area is defined between the first and second surfaces.

The asserted combination does not disclose the invention of claims 6 and 12. Nothing in Applicants' discussion of the prior art discloses an uninterrupted cover including a first surface and a second surface disposed at a non-planar angle with respect to the first surface, or an intersection area defined between the first and second surfaces. Wright '151 does not disclose an uninterrupted cover since Wright '151 discloses a cut line through the covering, and thus Wright '151 cannot disclose the invention called for in claims 6 and 12. Thus, the asserted combination does not disclose the invention of claims 6 and 12.

Claims 6 and 12 are patentable over the asserted combination. Applicants request that the rejection be overturned, and that claims 6 and 12 be allowed.

E. Claims 7 and 13

Claims 7 and 13 call for the aesthetic feature to be located on the intersection area of the first and second surface. The location of the aesthetic feature on the intersection area between the first and second surfaces simulates that the first and second surfaces are stitched to one another.

The asserted combination does not disclose the invention of claims 7 and 13. Nothing in Applicants' discussion of the prior art discloses an aesthetic feature located on the intersection

area of a first and second surface to simulate that the first and second surfaces are stitched to one another. Wright '151 does not disclose an intersection area of first and second surfaces on which is located in aesthetic feature that simulates that the first and second surfaces are stitched to one another. Wright '151 discloses an actual stitching of two surfaces to one another, not a simulated stitching. Thus, the asserted combination does not disclose the invention of claims 7 and 13.

Claims 7 and 13 are patentable over the asserted combination. Applicants request that the rejection be overturned, and that claims 7 and 13 be allowed.

F. Claims 8 and 14

Claims 8 and 14 call for the uninterrupted cover to comprise a texture on an outer surface thereof.

The asserted combination does not disclose the invention of claims 8 and 14. Nothing in Applicants' discussion of the prior art discloses an uninterrupted cover comprising a texture on an outer surface thereof. Wright '151 does not disclose an uninterrupted cover and, thus, cannot disclose the invention called for in claims 8 and 14. Thus, the asserted combination does not disclose the invention of claims 8 and 14.

Claims 8 and 14 are patentable over the asserted combination. Applicants request that the rejection be overturned, and that claims 8 and 14 be allowed.

G. Claims 9 and 15

Claims 9 and 15 call for the texture called for in claims 8 and 14, respectively, to simulate a leather grain.

The asserted combination does not disclose the invention of claims 9 and 15. Nothing in Applicants' discussion of the prior art discloses a texture simulating a leather grain. Wright '151 does not disclose a covering having a simulated leather grain. Furthermore, Wright '151 does not disclose an uninterrupted cover. Thus, Wright '151 cannot and does not disclose the invention called for in claims 9 and 15. Thus, the asserted combination does not disclose the

invention of claims 9 and 15.

Claims 9 and 15 are patentable over the asserted combination. Applicants request that the rejection be overturned, and that claims 9 and 15 be allowed.

H. Claim 16

Claim 16 calls for the vehicular trim component to comprise an arm rest. Neither Applicants' discussion of the prior art nor Wright '151 discloses a vehicular trim component comprising an arm rest. Thus, the asserted combination does not disclose the invention of claim 16. Claim 16 is patentable over the asserted combination. Applicants request that the rejection be overturned, and that claim 16 be allowed.

J. Claim 17

Claim 17 calls for the vehicular trim component to comprise a console cover. Neither Applicants' discussion of the prior art nor Wright '151 discloses a vehicular trim component comprising a console cover. Thus, the asserted combination does not disclose the invention of claim 17. Claim 17 is patentable over the asserted combination. Applicants request that the rejection be overturned, and that claim 17 be allowed.

K. Claim 18

Claim 18 calls for the vehicular trim component to comprise a door bolster. Neither Applicants' discussion of the prior art nor Wright '151 discloses a vehicular trim component comprising a door bolster. Thus, the asserted combination does not disclose the invention of claim 18. Claim 18 is patentable over the asserted combination. Applicants request that the rejection be overturned, and that claim 18 be allowed.

L. Claim 19

Claim 19 calls for the vehicular trim component to comprise a gear shift boot. Neither Applicants' discussion of the prior art nor Wright '151 discloses a vehicular trim component

comprising a gear shift boot. Thus, the asserted combination does not disclose the invention of claim 19. Claim 19 is patentable over the asserted combination. Applicants request that the rejection be overturned, and that claim 19 be allowed.

M. Claim 37

Claim 37 calls for a simulated seam in a molded polymeric item comprising an uninterrupted cover portion. The seam comprises a pair of ridges formed in generally parallel fashion along an interior portion of the uninterrupted cover portion, and an indentation formed between the ridges. The pair of ridges in cooperation with the indentation simulates a butt seam.

The asserted combination does not disclose the invention of claim 37. The combination would result in a molded trim component comprising a sewn cut line with molded seams and stitched seams. This is not the invention called for in claim 37. Consequently, the asserted combination does not reach claim 37, nor is claim 37 obvious in view of the asserted combination.

Claim 37 is patentable over the asserted combination. Applicants request that the rejection be overturned, and that claim 37 be allowed.

Claims 21-27 depend directly or indirectly from claim 37 and are, therefore, not obvious and are patentable over the asserted combination for at least the same reasons that claim 37 is not obvious and is patentable over the asserted combination. Nevertheless, claims 21-27 are independently patentable over the asserted combination.

N. Claim 21

Claim 21 calls for the ridges of claim 37 to comprise a rounded exterior.

The asserted combination does not disclose the invention of claim 21. Nothing in Applicants' discussion of the prior art discloses an uninterrupted cover portion with a pair of ridges formed in generally parallel fashion along an interior portion of the uninterrupted cover portion with an indentation therebetween so that the ridges and indentation simulate a butt seam.

Similarly, nothing in Wright '151 discloses an uninterrupted cover portion or a pair of ridges. Wright '151 discloses only a sewn cut line in a cover comprising a flat seam.

Since nothing in Applicants' discussion of the prior art, or in Wright '151, discloses ridges, nothing in Applicants' discussion of the prior art, or in Wright '151, discloses ridges that comprise a rounded exterior. Thus, the asserted combination does not disclose the invention of claim 21.

Claim 21 is patentable over the asserted combination. Applicants request that the rejection be overturned, and that claim 21 be allowed.

O. Claim 22

Claim 22 calls for a pair of stitchings formed adjacent and generally parallel to the pair of ridges. The pair of stitchings simulate a French seam in conjunction with the pair of ridges.

The asserted combination does not disclose the invention of claim 22. Nothing in Applicants' discussion of the prior art discloses an uninterrupted cover portion with a pair of stitchings adjacent and generally parallel to a pair of ridges which simulate a French seam. Wright '151 discloses a pair of stitchings, but does not disclose stitching parallel to a pair of ridges, or a simulated French seam. Thus, the asserted combination does not disclose the invention of claim 22.

Claim 22 is patentable over the asserted combination. Applicants request that the rejection be overturned, and that claim 20 to be allowed.

P. Claim 23

Claim 23 calls for a series of indentations formed generally parallel to the pair of ridges. The series of indentation simulate a French seam in conjunction with the pair of ridges.

The asserted combination does not disclose the invention of claim 23. Nothing in Applicants' discussion of the prior art discloses a series of indentations formed generally parallel

to a pair of ridges which simulate a French seam in conjunction with the pair of ridges. Similarly, nothing in Wright '151 discloses this structure. Wright '151 discloses an actual sewn French seam, not a simulated French seam. There are no ridges, and no indentations formed parallel to the ridges which simulate a French seam in Wright '151.

Claim 23 is patentable over the asserted combination. Applicants request that the rejection be overturned, and that claim 23 be allowed.

Q. Claim 24

Claim 24 calls for the molded polymeric item of claim 37 to include a first surface and a second surface disposed at a non-planar angle with respect to the first surface. An intersection area is defined between the first and second surfaces.

The asserted combination does not disclose the invention of claim 24. Nothing in Applicants' discussion of the prior art discloses a molded polymeric item comprising an uninterrupted cover portion wherein the item includes a first surface and a second surface disposed at a non-planar angle with respect to the first surface, or an intersection area defined between the first and second surfaces. Wright '151 does not disclose an uninterrupted cover portion since Wright '151 discloses a cut line through the covering, and thus Wright '151 cannot disclose the invention called for in claim 24. Thus, the asserted combination does not disclose the invention of claims 6 and 12.

Claim 24 is patentable over the asserted combination. Applicants request that the rejection be overturned, and that claim 24 be allowed.

R. Claim 25

Claim 25 calls for the pair of ridges to be located on the intersection area of the first and second surface. The location of the pair of ridges on the intersection area between the first and second surfaces simulates that the first and second surfaces are stitched to one another.

The asserted combination does not disclose the invention of claim 25. Nothing in

Applicants' discussion of the prior art discloses a pair of ridges located on the intersection area of a first and second surface to simulate that the first and second surfaces are stitched to one another. Wright '151 does not disclose an intersection area of first and second surfaces on which is located a pair of ridges that simulates that the first and second surfaces are stitched to one another. Wright '151 discloses an actual stitching of two surfaces to one another, not a simulated stitching, and discloses a flat seam. Thus, the asserted combination does not disclose the invention of claim 25.

Claim 25 is patentable over the asserted combination. Applicants request that the rejection be overturned, and that claim 25 be allowed.

S. Claim 26

Claim 26 calls for the molded polymeric item to comprise a texture on an outer surface thereof.

The asserted combination does not disclose the invention of claim 26. Nothing in Applicants' discussion of the prior art discloses a molded polymeric item comprising an uninterrupted cover portion wherein the molded polymeric item comprises a texture on an outer surface thereof. Wright '151 does not disclose an uninterrupted cover portion, and does not disclose a texture on an outer surface of the item and, thus, cannot disclose the invention called for in claim 26. Thus, the asserted combination does not disclose the invention of claim 26.

Claim 26 is patentable over the asserted combination. Applicants request that the rejection be overturned, and that claim 26 be allowed.

T. Claim 27

Claim 27 calls for the texture called for in claim 26 to simulate a leather grain.

The asserted combination does not disclose the invention of claim 27. Nothing in Applicants' discussion of the prior art discloses a texture simulating a leather grain. Wright '151 does not disclose a covering having a simulated leather grain. Furthermore, Wright '151 does

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not disclose an uninterrupted cover portion. Thus, Wright '151 cannot and does not disclose the invention called for in claim 27. Thus, the asserted combination does not disclose the invention of claim 27.

Claim 27 is patentable over the asserted combination. Applicants request that the rejection be overturned, and that claim 27 be allowed.

CONCLUSION

In view of the foregoing, it is submitted that the continuing rejection of claims 1-19, 21-27, and 37 is improper and should not be sustained. Therefore, a reversal of the rejection of claims 1-19, 21-27, and 37 is respectfully requested.

Respectfully submitted,

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Dated: March 14, 2007

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VIII. CLAIMS APPENDIX

1. A vehicular trim component comprising:

a base;

an uninterrupted cover associated with the base, wherein the uninterrupted cover comprises an integrally-formed aesthetic feature configured to simulate a seam comprising a pair of stitchings.
2. The vehicular trim component of claim 1 wherein the aesthetic feature comprises a pair of ridges formed in generally parallel fashion defining an indentation between the ridges, whereby the pair of ridges in cooperation with the indentation therebetween simulates a seam.
3. The vehicular trim component of claim 2 wherein the ridges further comprise a rounded exterior.
4. The vehicular trim component of claim 3 wherein the pair of stitchings is formed adjacent and generally parallel to the aesthetic feature whereby the pair of stitchings simulate a French seam in conjunction with the aesthetic feature.
5. The vehicular trim component of claim 3 and further comprising a series of indentations formed generally parallel to the aesthetic feature whereby the series of indentations simulate a French seam in conjunction with the aesthetic feature.
6. The vehicular trim component of claim 3 wherein the uninterrupted cover includes a first surface and a second surface disposed at a non-planar angle with respect to the first surface, and wherein an intersection area is defined between the first and second surfaces.
7. The vehicular trim component of claim 6 wherein the aesthetic feature is located on the intersection area of the first and second surface, whereby the location of the aesthetic feature on

the intersection area between the first and second surfaces simulates that the first and second surfaces are stitched to one another.

8. The vehicular trim component of claim 7 wherein the uninterrupted cover further comprises a texture on an outer surface thereof.
9. The vehicular trim component of claim 8 wherein the texture is selected to simulate a leather grain.
10. The vehicular trim component of claim 1 wherein the pair of stitchings is formed adjacent and generally parallel to the aesthetic feature whereby the pair of stitchings simulate a French seam in conjunction with the aesthetic feature.
11. The vehicular trim component of claim 1 and further comprising a series of indentations formed generally parallel to the aesthetic feature whereby the series of indentations simulate a French seam in conjunction with the aesthetic feature.
12. The vehicular trim component of claim 1 wherein the uninterrupted cover includes a first surface and a second surface disposed at a non-planar angle with respect to the first surface, and wherein an intersection area is defined between the first and second surfaces.
13. The vehicular trim component of claim 12 wherein the aesthetic feature is located on the intersection area of the first and second surface, whereby the location of the aesthetic feature on the intersection area between the first and second surfaces simulates that the first and second surfaces are stitched to one another.
14. The vehicular trim component of claim 1 wherein the uninterrupted cover further comprises a texture on an outer surface thereof.
15. The vehicular trim component of claim 14 wherein the texture is selected to simulate a leather grain.

16. The vehicular trim component of claim 1 wherein the vehicular trim component comprises an arm rest.
17. The vehicular trim component of claim 1 wherein the vehicular trim component comprises a console cover.
18. The vehicular trim component of claim 1 wherein the vehicular trim component comprises a door bolster.
19. The vehicular trim component of claim 1 wherein the vehicular trim component comprises a gear shift boot.
20. (Cancelled)
21. The vehicular trim component of claim 37 wherein the ridges further comprise a rounded exterior.
22. The vehicular trim component of claim 37 and further comprising a pair of stitchings formed adjacent and generally parallel to the pair of ridges whereby the pair of stitchings simulate a French seam in conjunction with the pair of ridges.
23. The vehicular trim component of claim 37 and further comprising a series of indentations formed generally parallel to the pair of ridges whereby the series of indentations simulate a French seam in conjunction with the pair of ridges.
24. The vehicular trim component of claim 37 wherein the item includes a first surface and a second surface disposed at a non-planar angle with respect to the first surface, and wherein an intersection area is defined between the first and second surfaces.
25. The vehicular trim component of claim 24 wherein the pair of ridges are located on the intersection area of the first and second surface, whereby the location of the pair of ridges on the

intersection area between the first and second surfaces simulates that the first and second surfaces are stitched to one another.

26. The vehicular trim component of claim 37 wherein the item further comprises a texture on an outer surface thereof.

27. The vehicular trim component of claim 26 wherein the texture is selected to simulate a leather grain.

28-36. (Cancelled)

37. A simulated seam in a molded polymeric item comprising an uninterrupted cover portion, the simulated seam comprising:

a pair of ridges formed in generally parallel fashion along an interior portion of the uninterrupted cover portion; and

an indentation formed between the ridges in the uninterrupted cover portion;

whereby the pair of ridges in cooperation with the indentation therebetween simulates a butt seam.

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IX. EVIDENCE APPENDIX

No evidence has been entered by the Examiner or Appellants into the record.

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X. RELATED PROCEEDINGS APPENDIX

There being no decision rendered by a court or the Board in any related proceeding, none is listed here.